UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2455	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)
Office Action Summary	10/621,524	HAN, MONG JU
	Examiner	Art Unit
	DAVID LAZARO	2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 October 2008</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20 and 28-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20 and 28-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed 10/21/08.

2.   Claims 1, 4, 9 and 28were amended.

3.   Claims 21-27 are canceled.

4.   Claims 1-20 and 28-30 are pending in this office action.

Response to Amendment

5.   The rejection of claim 1 under 35 USC 112, second paragraph, in regards to the

claim language "email message data, and the audio data" is withdrawn based on the

amendment.

6.   Applicant's arguments filed 10/21/08 have been fully considered but they are not

persuasive. See Response to Arguments.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 1-20 and 28-30 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention.

9.   Claim 1 is directed towards an apparatus for converting e-mail data into audio data and includes the limitation "wherein the communication connector is directly connected to the server and operates to transmit the audio data to a client upon the client's request". However, it is not clear where the specification describes a "direct" connection to a server. Paragraphs [12] and [13] describe a communication connection (i.e. switching unit and telephone line/LAN), but does not give any description of a direct connection to a server. There is no description of how a direct connection can be achieved using the communication connections. As such, claim 1 and its dependents fail to comply with the written description requirement.

10.   Claim 9 is directed towards a method for converting email data into audio data and includes the limitation "wherein said transmitting is performed bypassing an intermediary between the emails server and the client". However, the specification only describes the verifying of the contents of the server as being performed without going through an intermediary (See paragraph 9). There is no description of transmitting audio data as being performed bypassing an intermediary. As such, Claim 9 and its dependents fail to comply with the written description requirement.

11.   Claim 28 contains the limitation "wherein the transmitting is performed without going through an intermediary between an email server and a client".   However, the specification only describes the verifying of the contents of the server as being performed without going through an intermediary (See paragraph 9). There is no description of transmitting audio data as being performed without going through an intermediary. As such, Claim 28 fails to comply with the written description requirement.

12.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

13.   Claims 1-8 and 29 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

14.   Claim 1 is directed towards an apparatus for converting e-mail data into audio

data and includes the limitation "wherein the communication connector is directly

connected to the server and operates to transmit the audio data to a client upon the

client's request". Based on the specification, it is not clear as to how a communication

connector can be directly connected to a server. In most network environments, there

may be various intervening devices between two connected devices, such as a client

computer and a server. The intervening devices may include routers and switches as

well as service provider access equipment that allows the client to access the network

in the first place. As the specification offers not description of a "direct" connection, it is

not clear as to what scope applicant is intending when describing a "direct" connection.

For these reasons, claims 1-8 and 29 are indefinite.

Claim Rejections - 35 USC § 102

15.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16.   Claims 1-5, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated

by U.S. Patent 5,647,002 by Brunson (Brunson).

17.   With respect to claims 1, Brunson teaches an apparatus (and corresponding

method) for converting an-e-mail (electronic mail) data into audio data, comprising:

        a communication connector connected to an email server via a communication

line (Col. 5 lines 14-34: synchronizer) and comprising:

        a controller configured to control a conversion of e-mail data received from the

server into e-mail message header data, e-mail content data and e-mail attachment-

type data (Col. 9 lines 42-65 and Col. 14 line 1- Col. 16 line 57: system recognizes

email data as header, body and attachment data), and

        an audio data generator configured to convert the e-mail message header data,

e-mail content data and e-mail attachment-type data into audio data including

corresponding audio header data, audio content data and audio attachment-type

identifier data (Col. 14 line 1- Col. 16 line 57 : email header data is converted to

corresponding audio header data - col. 14 lines 1-62, same happens for content - col.

14 line 63 - col. 16 line 44 - and attachment data - col. 16 lines 44-57),the audio

attachment-type identifier data being an announcement of the existence and type of an

attachment to the email (Col. 16 lines 46-57 and Fig. 18); and

a memory configured to store the e-mail data, the e-mail message data, and the

audio data (see Fig. 1 - Memory 14),

wherein the communication connector is directly connected to the server and

operates to transmit the audio data to a client upon the client's request (Col. 2 lines 61-

65 and Col. 5 lines 32-34).

18.   With respect to claim 2, Brunson further teaches an e-mail client program

installed system (Col. 4 lines 51-63).

19.   With respect to claim 3, Brunson further teaches a video unit configured to

process the e-mail message data; and a display unit configured to display the e-mail

message data processed by the video unit (Col. 4 lines 51-63 email user terminals).

20.   With respect to claim 4, Brunson further teaches wherein the plural attachment

types comprise an image-type attachment, a video-type attachment, an audio-type

attachment, and an email-type attachment (Fig. 17 and Col. 17 lines 7-10).

21.   With respect to claim 5, Brunson further teaches wherein the email message

header information identifies the sender's name, a sending data and a subject of the e-

mail (Col. 14 lines 1-28).

22.   With respect to claim 28, Brunson teaches a method for converting e-mail data

into audio data, the method comprising:

converting e-mail message header data, e-mail content data and e-mail

attachment-type data to audio header data, audio content data and audio attachment-

type identifier data, (Col. 14 line 1- Col. 16 line 57 : email header data is converted to

corresponding audio header data - col. 14 lines 1-62, same happens for content - col.

14 line 63 - col. 16 line 44 - and attachment data - col. 16 lines 44-57) the audio

attachment-type identifier data being an announcement of the existence and type of an

attachment to the email (Col. 16 lines 46-57 and Fig. 18); and

transmitting the audio header data, audio content data and audio attachment-

type identifier data as an audio signal (Col. 2 lines 61-65),

wherein the transmitting is performed without going through an intermediary

between an email server and a client (Col. 2 lines 61-65).

23.   With respect to claim 29, Brunson teaches the apparatus of claim 1, wherein said

intermediary is an electronic mail client program (Col. 2 lines 61-65).

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

25.   Claims 6-20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Brunson in view of U.S. Patent 5,632,002 by Hashimoto et al. (Hashimoto).

26.   With respect to claim 6, while Brunson is directed towards a user accessing and

retrieving information from an electronic messaging system (Col. 2 lines 51-67),

Brunson does not explicitly disclose wherein the controller is further configured to

identify a total number of e-mails received by the apparatus and audio generator is

configured to generate a corresponding audio message to send to the client.

Hashimoto teaches a controller that identifies a total number of e-mails received by the apparatus and audio generator is configured to generate a corresponding audio message to send to the client (Col. 51 lines 40-49).

It would have been obvious to one of ordinary skill in the art to identify a total number of emails and generate a corresponding audio message as disclosed by Hashimoto in the electronic messaging system of Brunson. Using the known technique of identifying a total number of emails and generating a corresponding audio message to provide mailbox information as desired by Brunson would have been obvious to one of ordinary skill in the art.

27.   With respect to claim 7, while Brunson teaches support for other message headers (Col. 17 lines 10-13), Brunson does not explicitly disclose wherein the email data further includes gender information and the audio data generator is configured to generate the audio signal in a male voice that is not a sender's voice if the gender information identifies that the sender of the e-mail is a male, and to generate the audio signal in a female voice that is not the sender's if the gender information identifies that the sender of the e-mail is a female.

Hashimoto teaches wherein the email data further includes gender information and the audio data generator is configured to generate the audio signal in a male voice that is not a sender's voice if the gender information identifies that the sender of the e-mail is a male, and to generate the audio signal in a female voice that is not the sender's if the gender information identifies that the sender of the e-mail is a female (Col. 49 line 64 - Col. 50 line 51).

It would have been obvious to one of ordinary skill in the art to use the gender

information and the gendered audio signals as disclosed in Hashimoto in the electronic

messaging system taught by Brunson. Using the known technique of gender

information and generation of audio signals based on the gender information to provide

message information as desired by Brunson would have been obvious to one of

ordinary skill in the art.

28.   With respect to claim 8, Brunson further teaches wherein the male voice is also

not of a receiver of the e-mail, and the female voice is also not of a receiver of the e-

mail (In Hashimoto: Col. 49 line 64 - Col. 50 line 51).

29.   With respect to claim 9, Brunson teaches a method for converting e-mail data

into audio data, comprising the steps of:

receiving an e-mail from an email server (Col. 5 lines 13-23);

storing the received e-mail received from the email server as e-mail message

header data, e-mail content data and e-mail attachment-type data (Col. 9 lines 42-65

and Col. 14 line 1- Col. 16 line 57: system can recognize email data as header, body

and attachment data);

receiving a request to retrieve the email (Col. 2 lines 61-65);

converting the e-mail message header data, e-mail content data and e-mail

attachment-type data to audio header data, audio content data and audio attachment-

type identifier data, the audio attachment-type identifier data being an announcement of

the existence and type of an attachment to the email (Col. 14 line 1- Col. 16 line 57 :

email header data is converted to corresponding audio header data - col. 14 lines 1-62,

same happens for content - col. 14 line 63 - col. 16 line 44 - and attachment data - col.

16 lines 44-57);

saving in a memory the audio header data, audio content data and audio

attachment-type identifier (see Fig. 1 - Memory 14); and

transmitting the audio header data, audio content data and audio attachment-

type identifier data to the client as an audio signal (Col. 2 lines 61-65),

wherein said transmitting is performed by bypassing an intermediary between the

e-mail server and the client (Col. 2 lines 61-65).

Brunson does not explicitly disclose verifying a requestor's identification.

Hashimoto teaches the verification of a requestor's identification when a request to

retrieve email is received (Col. 55 lines 38-50: user verification based on some

identification technique).

It would have been obvious to one of ordinary skill in the art to use verification

technique disclosed by Hashimoto to verify the email subscriber users of Brunson.

Using the known verification technique as taught by Hashimoto to provide verification of

users retrieving emails in the system of Brunson would have been obvious to one of

ordinary skill in the art.

30.   With respect to claim 10, Brunson further teaches wherein in said audio

converting and storing steps, identification information of the sender of the e-mail is

checked and an audio conversion is implemented based on the checked result (In

Hashimoto: Col. 49 line 63 - Col. 50 line 8).

31.   With respect to claim 11, Brunson further teaches wherein the identifying step includes a step of judging whether there is an e-mail received after the client's identification has been identified (In Hashimoto: Col. 55 lines 38-50: user is verified before access is allowed).

32.   With respect to claim 12, Brunson further teaches a step of transmitting a message indicating that the email is not received when the e-mail is not received (In Hashimoto: Col. 51 lines 40-49: system informs user of the number of emails received, which would include none).

33.   With respect to claim 13, Brunson further teaches a step of referencing the sender of the e-mail in an address list (In Hashimoto:Col. 49 line 63 - Col. 50 line 8).

34.   With respect to claim 14, Brunson further teaches wherein said identifying step is implemented using a telephone line or using a direct access to an e-mail service system (In Hashimoto: Col. 55 line 15-50).

35.   With respect to claim 15, Brunson further teaches wherein said audio signal is generated based on the gender of the sender of the e-mail (In Hashimoto: Col. 49 line 63 - Col. 50 line 8).

36.   With respect to claim 16, Brunson further teaches wherein said audio signal is generated in a male voice that is not the sender's if the gender information identifies that the sender of the e-mail is a male, and said audio signal is generated in a female voice that is not the sender's if the gender information identifies that the sender of the e-mail is a female (In Hashimoto: Col. 49 line 64 - Col. 50 line 8).

37.   With respect to claim 17, Hashimoto further teaches wherein the male voice is also not of a receiver of the e-mail, and the female voice is also not of a receiver of the e-mail (In Hashimoto: Col. 49 line 64 - Col. 50 line 8: voices are synthesized voices).

38.   With respect to claim 18, Brunson further teaches wherein the plural attachment types comprise an image-type attachment, a video-type attachment, an audio-type attachment, and an email-type attachment (In Brunson: Fig. 17 and Col. 17 lines 7-10).

39.   With respect to claim 19, Brunson further teaches wherein the email message header information identifies the sender's name, a sending data and a subject of the e-mail (In Brunson: Col. 14 lines 1-28).

40.   With respect to claim 20, Brunson further teaches wherein the e-mail message data further identifies a total number of e-mails directed to the client (In Hashimoto: Col. 51 lines 40-49).

41.   With respect to claim 30, Brunson teaches the method of claim 9, wherein said intermediary is an electronic mail client program (Col. 2 lines 61-65).

Response to Arguments

42.   Applicant's arguments filed 10/21/08 have been fully considered but they are not persuasive.

43.   Applicant argues - "Brunson does not disclose or suggest a communication connector directly connected to a server and operated to transmit audio data to a client upon a client's request."

a.   Examiner's response - In one embodiment, the synchronizer (i.e.

communication connector) can be part of the voice-mail server (Col. 5 lines 32-

34). As such, the voice-mail server would be directly connected to the email

server for synchronization purposes and furthermore, would response to client

requests to transmit audio data when a user connects to the voice mail server to

access their voice mail.

44.   Applicant argues - "Brunson also does not disclose or suggest "transmitting is

performed by bypassing an intermediary between the e-mail server and the client"..."

b.   Examiner's response - In Brunson, the user may retrieve their email as

audio data through the voicemail server (Col. 2 lines 61-65). As such, no

intermediary such as an email client is required for the transmitting of audio data.

Conclusion

45.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DAVID LAZARO whose telephone number is (571)272-

3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Primary Examiner, Art Unit 2455
January 19, 2009